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May 12, 2021

BY ECF

Honorable Paul Crotty
United States District Judge
Southern District of New York
United States Courthouse
500 Pearl Street
New York, New York 10007

Re: *United States v. Joseph Olivieri*, 18 CR 316 (PAC)

Dear Judge Crotty:

We represent Defendant Joseph Olivieri in a pending motion to modify his sentence under the First Step Act and write to request that the Court alter the current schedule for the government's response and Defendant's surrender date. The government proposed that Defendant submit a request to the Bureau of Prisons for home confinement under section 12003(b)(2) of the CARES Act, and Defendant has decided to do so.¹ The parties jointly ask that the Court hold his motion in abeyance to allow for the BOP to assess his new request. The government's response to Defendant's motion is currently due on May 21. The parties ask that the government have until three weeks following the BOP's response to the new request to respond to Defendant's motion. Defendant will inform both the Court and the government of the BOP's final response.

Furthermore, Defendant requests, with the government's consent, a further extension of his surrender date until after the Court has resolved his motion.

Respectfully submitted,

/s/ BETSY GINSBERG

Betsy Ginsberg
Director, Civil Rights Clinic
Trena Riley
Legal Intern

¹ As noted in his motion to modify his sentence, Defendant's previous request for home confinement was made under 18 U.S.C. 3582(c)(1)(A)(i) and was denied by BOP.

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Cc: All counsel (BY ECF)

5/19/2021

The motion schedule is held in abeyance pending the BOP's assessment. The Government's opposition is due three weeks after the BOP's response. The request to extend the surrender date is denied without prejudice. SO ORDERED.

Betsy A. Cuth